

Town Council  
Town of Watertown  
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Ordinance #16

0-2002-16

### Historic District Ordinance

**Section I** - This ordinance shall be known as the Watertown Historic District Ordinance and is adopted pursuant to Chapter 40C of the General Law of Massachusetts, as amended.

**Section II** - The purpose of this ordinance is to: 1) safeguard the educational, cultural, economic and general welfare of the public through the preservation and protection of distinctive characteristics of buildings of Historic or architectural significance and to encourage growth, development or improvements to be compatible therewith; and 2) affect and accomplish the protection, enhancement and perpetuation of such improvements and features and of districts which represent or reflect elements of Watertown's unique cultural, social, economic, political and architectural history.

**Section III** - There is hereby established under the provision of G.L. c. 40C a historic district to be known as the Mount Auburn Street Historic District, which is described on a plan known as "Proposed Mount Auburn Street Area, Watertown Historic District", dated March 1, 2000, filed with the Town Clerk and the South Middlesex Registry of Deeds.

Ordinances protecting the safety of the public or the users of a building shall be fully in force and applicable. Where such safety ordinances conflict with the Historic ordinances, the safety ordinances shall prevail.

**Section IV**- There is hereby established a Watertown Historic District Commission (HDC), consisting of seven members and vested with all the authority and responsibility under G.L. c. 40C. The HDC shall be appointed by the town manager, approved by the town council and shall include one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area and one member from two nominees of the board of realtors, if any, covering the area, and one or more members sought through public solicitation of residents and/or owners of property in an historic district to be administered by the commission.

If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made, the appointing body may proceed to appoint the HDC without nominations by such organization.

The initial appointments as commissioners shall be: two members for a term of one year; two members for a term of two years; and three members for a term of three years. Successive appointments shall be for three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Each member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairperson and vice-chairperson from its own number and a secretary from within its number.

**Section V** - No building or structure within the historic district shall be constructed or altered in any way that affects exterior architectural features unless the HDC shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the HDC shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, in such form as the HDC may reasonably determine, together with such plans, elevations, specifications, material and other information as may reasonably be deemed necessary by the HDC to enable it to make an informed determination on the application.

No building permit for construction of a building or alteration of an exterior architectural feature within the historic district shall be issued by the town or any department thereof until the certificate required by this section has been issued by the HDC.

**Section VI** - Meetings of the commission shall be held at the call of the chairperson or shall be called at the request of two members of the commission or in such other manner as the commission shall determine in its rules. All regularly scheduled meetings shall be held on weekday evenings. A majority of the members of a commission shall constitute a quorum. The concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship. A commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If the commission determines that such application involves any such features which are subject to approval by the commission the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors, to the planning board of the city or town, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the commission shall deem entitled to notice. As soon as convenient after such public hearing but in any event within sixty days after the filing of the application, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time the commission shall thereupon issue a certificate of hardship. A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

**Section VII** - When evaluating an application for a certificate, the HDC shall determine whether: 1) the proposed work would change, destroy or affect any exterior architectural feature; or 2) in the case of construction of a new improvement, whether such construction would affect or not be in harmony with the historic district.

In appraising such effects and relationship, the HDC shall consider, in addition to any other pertinent matters, the factors of aesthetic, historic, and architectural values and significance, design, arrangement, texture, material and color.

In the case of a disapproval of an application for a certificate, the HDC shall place upon its records the reasons for such determination and shall cause a notice of its determination, accompanied by a copy of the reasons therefor to be issued to the applicant. The HDC may make recommendations of changes which, if made, would make the application acceptable to the HDC.

**Section VIII** - Persons aggrieved by a decision of the HDC, may, within twenty days after the filing of the notice of such determination with the town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the Metropolitan Area Planning Council or its successor agency. If the town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in c. 40C, § 12A.

**Section IX** - Notwithstanding any provision contained in this ordinance to the contrary, the authority of the HDC shall not extend to the review of the following categories, structures or architectural features:

- (1) Terraces, walks, sidewalks, driveways, street lighting and traffic lighting provided that any such structure is substantially at grade level;
- (2) Storm doors and windows, screens, and window air conditioners;
- (3) The color of paint;
- (4) The color of materials used on roofs; and
- (5) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence;
- (6) The ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, or the outward appearance thereof or landscaping with plants, trees or shrubs.

Nothing in these ordinances shall be construed to prevent meeting the requirements certified by a duly authorized public officer to be necessary for the public safety, nor construed to prevent any construction or alteration under a permit issued prior to the effective date of this ordinance.

**Section X** - Any person, firm or corporation violating any of the provisions of this ordinance shall be fined not less than ten dollars (\$10) or more than one hundred dollars (\$100) for each day during which violation occurs or continues. Any person charged with a violation may petition the HDC to withdraw or lessen the fine based on whether the violation is a substantial violation of the ordinance. Starting work without a certificate is a violation of this ordinance.

**Section XI** - In the event that any section or part of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, every other section or part shall continue in full force and effect.

The date of this Ordinance shall take effect upon members having been appointed by the Town Manager and approved by the Town Council.

**Section XII** - As used in this ordinance, the word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts; and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.